

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
WESTERN DIVISION**

FILED  
CLERK OF COURT

AUG 18 2004

Litchfield Financial Corporation, Textron  
Financial Corporation, Land Finance  
Company,

Plaintiffs,

U.S. DISTRICT COURT  
04-CV-30076-KPN

v.

Buyers Source Real Estate Group, Buyers  
Source Valley Group, LLC, Buyers Source  
Sugarmill, LLC, Buyers Source, Savannah  
Lakes, LLC, Thomas H. Brewer, Frederick D.  
Blake, Betty M. Brewer, Susan Gard, Henry  
Montgomery, Lannie Campbell, Ronald P.  
Ferguson, Stephen A. Hudgins, Esquire,  
Stephen A. Hudgins, PC, Hudgins &  
Stallings, PC, J. Vance Stallings, Esquire,  
John C. Lumpkin, Esquire, John C. Lumpkin,  
PC, William Gregory Seigler, Esquire  
Defendants.

**DEFENDANT WILLIAM GREGORY SEIGLER'S MOTION TO DISMISS  
OR IN THE ALTERNATIVE TO STAY, AND REQUEST  
FOR EXPEDITED HEARING**

The defendant, William Gregory Seigler, respectfully moves this Court, pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(3), for an Order dismissing him from this lawsuit on the grounds that this Court lacks personal jurisdiction over the defendant; there is another action pending which was filed first and involves essentially the same set of facts; and venue is improper. In the event that the Court is not inclined to dismiss the action against Mr. Seigler, this Defendant moves to stay this federal proceeding, until such time as the earlier filed state action, presently pending in the McCormick County Court of Common Pleas in the State of South Carolina, is resolved. The Defendant also respectfully requests an expedited hearing on this matter.

In further support of this Motion, the defendant states as follows:

1. This action arises out of the financing of real estate located in South Carolina, Ohio and Florida, and the alleged failure on the part of Buyers Source Sugarmill, LLC, Buyers Source, Savannah Lakes, LLC and Buyers Source Valley Group, LLC to comply with various provisions of the Interstate Land Sales Act.
2. Mr. Seigler, an attorney licensed to practice law in the State of South Carolina, provided *limited* legal advice to a South Carolina client in South Carolina in connection with the financing of a South Carolina property, wherein he opined as to the ability of Buyers Source, Savannah, LLC to engage into certain financing transactions. Plaintiffs have alleged that they relied upon Mr. Seigler's opinions to their detriment.
3. This Court should dismiss Mr. Seigler from this lawsuit because it does not have personal jurisdiction over Mr. Seigler under the Massachusetts Long-Arm Statute, and because exercising personal jurisdiction over Mr. Seigler would not comport with the Due Process Clause of the Constitution. All facts and occurrences which give rise to the Plaintiffs' claims against Mr. Seigler took place in South Carolina. Mr. Seigler has never transacted business in, derived substantial revenue from, or even been within the borders of the Commonwealth of Massachusetts. He has never contracted to supply services in Massachusetts, nor did he commit a tortious act in Massachusetts.
4. This Court should also dismiss Mr. Seigler from this lawsuit because there is a previously filed state court action currently pending in the McCormick County Court of Common Pleas in the State of South Carolina, which involves essentially the same facts and parties as here as to plaintiffs' claims herein. Abstention in such situation is warranted.
5. Venue in the Western District of Massachusetts is improper because this is not the judicial district in which a substantial part of the events or omissions giving rise to plaintiffs' claims occurred.

In further support of his Motion to Dismiss, the defendant refers the Court to his Memorandum of Law and the Affidavit of William Gregory Seigler, filed herewith, and applicable law.

WHEREFORE, defendant, William Gregory Seigler, respectfully moves this Court, pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(3), for an Order dismissing him from this lawsuit on the grounds that this Court lacks personal jurisdiction over this Defendant, there is a state court action pending the McCormick County Court of Common Pleas in the State of South Carolina, and venue is improper. In the alternative, the Defendant moves to stay this federal proceeding, until such time as the earlier filed state court action is resolved. The Defendant also respectfully requests an expedited hearing on this matter.

Defendant,  
William Gregory Seigler,  
By his attorneys,

A handwritten signature in black ink, appearing to read "Peter M. Durney (as atty)".

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CERTIFICATE OF SERVICE

I, David W. McGough, attorney for the defendant, William Gregory Seigler, hereby certify that on this 17<sup>th</sup> day of August, 2004, a true copy of the foregoing Defendant William Gregory Seigler's Motion to Dismiss or in the Alternative to Stay, and Request for Expedited Hearing, was served via overnight courier, directed to:

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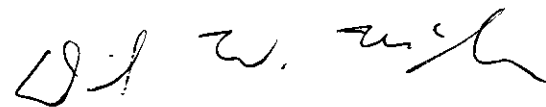
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